

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11 cv 70**

SYNOVUS BANK,

Plaintiff,

Vs.

**PHILSMITH, LLC, J. CHRIS
PHILLIPS,**

Defendants,

Vs.

**Synovus Financial Corp. d/b/a National
Bank of South Carolina; Synovus
Financial Corp.; Keith Vinson,
individually; Keith Vinson d/b/a Seven
Falls, LLC; Seven Falls Real Estate, LLC;
Seven Falls Realty, LLC; Seven Falls
Golf Club, LLC; Seven Falls Golf &
River Club, LLC; Seven Falls Club
Amenities, LLC; Seven Falls Lodging,
LLC; Seven Falls Ventures, LLC; Seven
Falls Property Owners Association, Inc.;
Mountain Development Company, LLC;
and Zeus Investments, LLC; Seven Falls
LLC; Seven Falls Real Estate, LLC;
Seven Falls Realty, LLC; Seven Falls
Golf Club, LLC; Seven Falls Golf &
River Club, LLC; Seven Falls Club
Amenities, LLC; Seven Falls Lodging,
LLC; Seven Falls Ventures, LLC; Seven
Falls Property Owners Association, Inc.;
Mountain Development Company, LLC;
Zeus Investments, LLC,**

Thirty Party Defendants.

ORDER

THIS MATTER has come before the Court pursuant to a motion filed by counsel for Defendants entitled “Motion to File Brief in Excess of 25 Pages” (#30). In the motion, Defendants do not set forth reasons why the Court should allow defendants’ responsive brief to be in excess of that allowed by the Local Civil Rules. The Local Civil Rule provides: “Absent such requirements in the Standing Civil Order of the judge to whom the case is assigned, the page limit for any brief is 25 pages, the font size is a minimum of 12 point, lines are double spaced, margins are one inch, and each page is numbered.” LCvR 7.1(D). The undersigned has examined the brief filed by Defendants and finds that the brief consists of 48 pages which, in the opinion of the Court, can easily be reduced by Defendants’ counsel to be in compliance with the Rule without losing any of its effectiveness.

ORDER

IT IS, THEREFORE, ORDERED that the “Motion to File Brief in Excess of 25 Pages” (#30) is hereby **DENIED** and the defendants’ response to the Plaintiff’s Motion to Dismiss (#31) is **ORDERED** to be removed and struck from the file in this matter. Defendants’ counsel will be allowed up to and including **October 7, 2011** to file a response to the Plaintiff’s Motion to Dismiss the amended counterclaim of Defendants which is to be in compliance with LCvR 7.1(D). Plaintiff will be allowed the time set forth in the Local Rules to file a reply brief, should Plaintiff determined to do so. Should Plaintiff determine not to file a reply brief, then Plaintiff is instructed to advise the Court as provided by LCvR 7.1(E).

Signed: September 30, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

